

Exhibit “A”

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**Hawai'i Civil Rights Commission
Pre-Complaint Questionnaire - Employment**

330 Punchbowl St., Rm. 411 Honolulu, HI 96813 TEL: 586-8636 FAX: 586-8655 TDD: 586-8692

Directions: Please fill out this questionnaire completely. The information will be used to determine if we have jurisdiction to investigate your discrimination complaint, and to draft the charge of discrimination. You may be contacted for either a telephone or in-office interview. Please print clearly. Submit documents that support your allegation of discrimination.

Date: June 10, 2003

1. Information about you:

Name: Sherez

Last

Robert

First

W.

Middle Initial(s)

Address:

Number/Street

Hon.

City

96814

Zip Code

Telephone: Home: (808)

Work: (808)

*Race/Ethnicity:

Sex: Male

Social Security Number:

*Age & Date of Birth: 49 yrs.

Name/Telephone/Address of a person to contact if we can't reach you:

2. Company/City & County/State etc. that discriminated against you:

Name: Department of Education, State of Hawaii

Address:

Number/Street

City

Zip Code

Island: ☒ O'ahu

☐ Kaua'i

☐ Maui

☐ Hawai'i

☐ Moloka'i

☐ Lana'i

Telephone: (808)

Home: (808)

Estimated Number of Employees:

Date Hired: 1988

Pay/Salary: \$19.97 per hour

Job title when discriminated against: Home & Hospital Tutor, GED Instructor

*Used for statistical purposes only
Revised March 1, 1999
Previous Editions Obsolete

EXHIBIT 1

3. **I was discriminated against because of my:**
(Check the protected basis)

- | | |
|--|--|
| <input type="checkbox"/> Race | <input checked="" type="checkbox"/> Sex (male female pregnant) |
| <input type="checkbox"/> Color | <input type="checkbox"/> Sexual Orientation (homosexual bisexual heterosexual) |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Marital Status (married single) |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Retaliation (opposed discrimination) |
| <input type="checkbox"/> Age | <input type="checkbox"/> National Guard Obligation |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Child Support Garnishment |
| <input type="checkbox"/> Arrest & Court Record | <input type="checkbox"/> Disability (physical mental) |
| | What is the disability: |

4. **I was discriminated against by being:**
(Check the adverse action)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Fired/Discharged | <input type="checkbox"/> Denied Promotion |
| <input checked="" type="checkbox"/> Not Hired | <input type="checkbox"/> Denied Transfer |
| <input type="checkbox"/> Forced to Quit | <input type="checkbox"/> Refused Pay Raise |
| <input type="checkbox"/> Laid Off | <input type="checkbox"/> Unequal Pay |
| <input type="checkbox"/> Sexually Harassed | <input type="checkbox"/> Unequal Hours |
| <input type="checkbox"/> Harassed | <input type="checkbox"/> Suspended |
| <input type="checkbox"/> Refused Accommodation | <input checked="" type="checkbox"/> Other (specify): reduced in hours |

5. **Date of the last discriminatory action: on going**
(Must be within the past 180 days)

6. **Name(s) and job title of the person who discriminated against you:**

1) VP Sarah Gronah 2) Educational Specialist M. Matison 3) Principal Sampai

7. **What reason was given to you for the adverse action:**

1) No males shall tutor/teach females 2) Enrollment does not support class

8. **What remedy are you seeking through us:**

Damages for lost wages and discrimination.

9. **How did you learn about the Civil Rights Commission:**

Many sources, official D.O.E. Literature

Directions: Please provide a summary of the discriminatory adverse actions with the names of those who discriminated against you. Start with the earliest date and end with the last date. Use separate sheets of paper as necessary. On the next page, include the name/telephone/address of witnesses who have evidence of the discrimination.

Dates of Discrimination	Describe the Discriminatory Adverse Actions (Explain why the actions were because of your protected basis)
Ongoing	<p>4/20/2003</p> <p>In the Spring of 2002, I was the Highest Level Part-I and Teacher, as determined by the central D.O.E. official certification department - a CLASS III (though previously I have been temporarily certified a full-time Special Education Teacher) and as a Windward District Special Services/Special Education Home And Hospital Tutor/Teacher. I was assigned a second Castle HS student. I was assigned a sick Windward District, Castle High School pregnant female student. My supervisor boss, Secretary Virginia Soares (in charge of in assigning cases, hiring, all payroll and paperwork of the Special Services/Special Education Home & Hospital Tutors for sick, injured, or violent students), informed me that the Individual Education Plan team leader, Vice-Principal Sarah Gronah, scheduled an IEP meeting. I was not to attend even though the teacher/tutor are required to attend and I was the student's only teacher/tutor. I was later informed that I was removed from the case by instructions of the team (leader) because I was a male. I said that the removal was a fair or right and violated the law and D.O.E. policy.</p> <p>In late October, I was called by the tutor, a Class Counselor at Castle High School, and asked if I could take a student to tutor since I had done such a good job on a student of his in a similar situation (pregnant female who was too sick to attend school) the previous year. I replied "Yes" and he said he would put my name as the school recommended tutor. A week later he called me and told me that VP Gronah had instructed him to remove my name as "no male may tutor a female".</p> <p>Later, I went to Castle HS to ask VP Gronah about this. I first met High Risk Counselor Furmark who confirmed that VP Gronah's instructions were that "no male teaches are to teach females". He then said I shouldn't worry as there would be other students and he was not told (at that time) I couldn't tutor other students and that he, the family, the student, and the teachers were delighted at how I was tutoring a male Sp. Ed. student for Castle and the many past students over the years. He said he would keep me at the top of his list to tutor his High Risk (Sp. Ed. and 504) students.</p> <p>I then met with VP Gronah who told me, to my face, that "it was only pregnant females that males could not teach/tutor". I showed her a small portion of my references and explained I had been tutoring male, female, pregnant students for over 16 years for all 4 Educational Districts on the Island of Oahu and had recommendations from female students, parents, teachers (including D.O.E. teachers who pulled their child out of the D.O.E. public school and had them assigned to Home and Hospital tutoring so I could work with their child), department chairpersons (including Special Education, where I was hired full time 1 twice (1), Principals, District Superintendents, etc. I explained that in the past I was specifically recommended to teach the pregnant females (for McKinley HS by Principal, later Assistant Superintendent Stan Seiki, and other schools) who were either too sick to attend public HS or had past problems with the law. I directly asked her if I had ever done anything wrong in this regard and she said "NO". VP Gronah then informed me that she was informed of that rule stating that "males could not tutor pregnant females" by Secretary Soares and she denied that she (VP Gronah) said I could not teach any females. I again tried to explain the non-discrimination policy and showed her the official D.O.E. booklets.</p> <p>Later, I talked to Secretary Soares who told me that she could not remember ever saying that "rule" to VP Gronah and maybe it was misinterpreted by the VP, but this was a school issue as she (Secretary Soares) only did assignments that did not already have a name filled in by the school and starting this year it was more of the school's job to make assignments, etc. I should contact the school.</p> <p>Therefore late, I made an appointment with the Principal of Castle HS, Mr. Maeda, who</p>

had been principal of Kaula HS when I tutored/taught females for him. I showed him some of my recommendations and reminded him of my past services to him at Kaula HS. He said he would get back to me after checking with VP Gronah who was now in the hospital. I also asked him to confirm the stated DOE policy of non-discrimination due to sex, religion, race, etc. and that no blanket rule was allowed to be made; either that males could not tutor females whether pregnant or not and that each case had to be decided on its individual merits. He later called me back from I forget after a Principals Meeting and confirmed this but it was too late for this case anyway as another tutor had been assigned, but he would find out the details of the case from VP Gronah, who was in charge of this area and that VP Gronah would get back to me.

Later, I made an appointment with Secretary Soares' supervisor/boss, and therefor my indirect supervisor boss (Educational Specialist M Matson). I told him of the discrimination and asked what I should do. He first said it was up to the school, made sure that the discrimination never happened to my knowledge at the Windward District under him, and said it was perfectly legal and besides the rule was to protect me so I wouldn't be sued (and therefor neither would the DOE). He then said it was an "unwritten rule". I asked him for a list of these secret "unwritten rules" that effect affect my job and the students, but he said "they were unwritten...period". I asked him if I had ever been accused of any wrongdoings, and he replied "NO". I then confirmed that he told me that the new rules stated that starting this year even high school students must have an older relative present at all times while tutoring. He then told me he agreed with the no male teaching female rule and when he was back in the Honolulu District Office doing this, his same job he went by that rule of "no males should teach/tutor females". I then informed him of my work in this regard with McKinley HS, which was in that same district, and never had that rule. He then again referred me back to Castle HS.

Later, VP Gronah called me to deny that she ever even said I couldn't tutor pregnant females or any females and tried to get me to confirm it was Ira Ilson and/or Richard Furmark who had told me what she said.

In late December 2002 I called up Ira Ilson to ask if there were any more students to tutor. He said he only had 2 more pregnant females and my VP Gronah's rule I could not tutor them.

Since that time I have not been assigned any new students to tutor/teach for Castle or the Windward District. This is very unlike past years in which there is always a demand for tutors in the second semester.

After the winter vacation starting the third quarter, I continued teaching my one Castle Special Education student that I had been tutoring for over a year by student, family, counselor and IEP team request. There was an IEP meeting called. I had been his only teacher the last academic years semester and taught/wrote lesson plans/graded all courses except one. This single exception was a by internet, a computer class. I was his only live teacher who worked with him. Again, I was not to attend. Further it was decided to reduce hours to be taught for each subject below that of a regular education student in possible violation of the Felix-Wallice agreement and in violation of DOE policy. This was done by direct written communication to Secretary Soares by VP Gronah. I was not informed of this either by the school or Windward District Office until over a month later, when I handed in my timesheets, though I had been in constant contact with both Castle and Windward District Office. The first two quarters of the school year before I tried to correct the no male teaching/tutoring females, I was assigned to teach 4 courses in 6 hours each week. Now I had to teach 5 courses in 4 hours to a Sp. Ed. student. After calls and memos from the parents, Counselor Furmark (and Me), I called Virginia Soares on March 25, 2003 and was told that there was a backdated memo from VP Gronah to increase my hours to 5. This still is the same as a normal education student, and not a Sp. Ed. student, and in addition I could not even make up those past hours from March 14 to March 25 until Secretary Soares checked with VP Gronah. I still am awaiting a response.

Starting in the fall of 2002 I have been teaching/instructing the (1st) day time course at McKinley Community School for Adults, Honolulu District Office, the (2nd) day time course at the principal chose me to tutor/teach, in a special case, the (3rd) day time teaching of a special student at MCSA.

Later MCSA was asked by a Drug/Alcohol Rehabilitation Center Counselor at Sand Island, a restricted drug/alcohol withdrawal treatment camp, for their (3rd) teacher and I was selected and asked to go to singularly set up a (4th) program there. The Senior Rehabilitation Staff Counselor decided it would be too much stress for those in a drug or alcohol withdrawal treatment program.

In Spring 2003, MCSA had to change my room to the biggest room they had because of my current and still growing enrollment. In February of 2003 me and my class was the biggest and most advanced teaching algebra, quadratics and higher level algebra. I was selected to be filmed in order to make a commercial to convince the DOE and Governor Lingle how important, eager and large the demand was for Adult Education and our excellent faculty. In the second to last week of February 2003 after my class petitioned the school for an extension of our class, Registrar and our semi-official Counselor Won told me and all students that the class would be extended to April 1, 2003 and the VP had approved. In fact more students kept registering for the class by the school and the class kept growing. It was a mixed Adult class of Sp. Ed., those who did not finish high school, adults in recovery from drug/alcohol, a couple in English from me in the previous semester I was instructed to give previews of my class to the highest ESL classes. All the days after I and the students were told the extension was granted later February 28, 2003 I was greeted by the Principal or Vice-Principal and the Registrar who kept saying how good a job I was doing and to keep it up.

In the last 4 of the last week of February I was asked by the O-Base teacher, at MCSA, to talk to her class and since I had also been an Inspector for the U.S. Immigration and Naturalization Service to come back and talk to her night Naturalization Class. I asked to get approval of the Principal to come back at night to speak to her naturalization class. She said she would the next week. I never heard anything else about it.

On March 1, 2003 I was instructed to have pre-stamped and self-addressed envelopes sent to Secretary Soares, Windward District Office to receive my paystubs (I thought in all previous years this was never required and was always sent to my U.S. Post Office box). I asked if they could be sent for free to my morning job at MCSA, Honolulu District, through the free interschool courier mail service. Secretary Soares was surprised and asked me to confirm where I was working, however agreed that it was proper that my paystubs could be sent for free to me at MCSA. I received my March 5, 2003 payroll stub at my teacher's box at MCSA.

On the morning of March 5 before 8:00 A.M. the VP told me that this was the last day of my class. The office staff sent me another student that morning to enroll in the class as they also were informed about the extension until April 1, 2003. My class was one of the largest, if not the largest, and kept growing. Other non-required classes had as little as 3 students. My students vigorously protested to the Principal, VP and Registrar. They were all given different reasons including "I don't care" (I was told). During a class break I asked the Principal why I was being terminated after the students and I had been told the class would continue until April 1, 2003. She responded our class's enrollment had been dropping. I told her that I rewrote my lesson plans after the promised extension and we hadn't yet covered Geometry, a necessary part of the test. I went to Registrar Won who said my students fought for the class but it was denied and he would fight for it later that day and I shouldn't worry. I asked him what happened and he whispered to me after looking around that he heard it had to do with a "SEXUAL Harassment problem/lawsuit (?)". I immediately went back and told my students about the whispered information that the Registrar told me, got physically ill and left class 20 minutes early on my final day. The unemployment office contacted MCSA. MCSA informed the school I was still employed, awaiting next summer session.

This original statement limited by time and space more details, examples and explanations available.

P.S. Also Since the time of this statement more retaliation, interference and ongoing discrimination occurred.

Witnesses Who Have Evidence of the Discriminatory Adverse Actions

Name	Telephone (Home and Work)	Address
Ira Ilson	Phone No. 382-3240/233-5600	
Richard Furmark	Phone No. 233-5600	
Virginia Soares	Phone No. 233-5711	
Marty Mattison	Phone No. 233-5711	
Meredith Maedas	Phone No. 233-5600	
Sarah Gronah	Phone No. 233-5600	
Registrar Won - McKinley CSA	Phone No. 594-0540	
VP Amine - Mckinley CSA	Phone No. 594-0540	
Kelly Horsley	Phone No. 235-8827	
GED - DAY CLASS		
Dagmar Suzuki	Phone No. 599-5153	
Pamela Chan-Gallager	Phone No. 371-2301	
Keola Anderson	Phone No. 534-7029	
Ralph Kesol	Phone No. 599-1837	
ChihCha Yim	Phone No. 942-3047	
Susie H. Kang	Phone No. 282-9997	
Haruko Okamura	Phone No. 589-2806	
Jae E. Kang	Phone No. 285-3440/942-8478	
Ronald Aloliho	Phone No. 847-0784	
Youn-Chz Hu	Phone No. 926-3618	
Robert Hart	Phone No. 593-4755	
Tom Bummel	Phone No. 293-4755	
Keola Nahalea	Phone No. 293-2033	

Closing Statement: I declare under penalty of perjury the forgoing is true and correct.

Signature